

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 KELLY D. WHITTENBURG,
12 Plaintiff,

No. CIV.S-05-0733 DAD

13 v.

ORDER

14 JO ANNE B. BARNHART,
15 Commissioner of Social
Security,

16 Defendant.
17 _____/

18 Counsel for plaintiff having filed the required writing
19 regarding failure to complete service of process, the order to show
20 cause filed August 3, 2005, is hereby discharged. However, within
21 ten (10) days of the date of this order counsel for plaintiff shall
22 file a proper proof of service demonstrating that service of process
23 has been completed by delivering a copy of the summons and complaint
24 to the United States Attorney for the Eastern District of California,
25 and by sending a copy of the summons and complaint by registered or
26 certified mail to the Attorney General of the United States at

1 Washington, D.C. See Fed. R. Civ. P. 4(i)(1)(A) & (B). That proof
2 of service shall also show that plaintiff has sent a copy of the
3 summons and complaint by registered or certified mail to the
4 Commissioner of Social Security, c/o Office of General Counsel, 6401
5 Security Boulevard, Room 611, Altmeyer Building, Baltimore, MD 21235.
6 See Fed. R. Civ. P. 4(i)(2).

7 In addition, on April 18, 2005, the court issued a
8 scheduling order along with a form entitled "Consent to Assignment or
9 Request for Reassignment," which allows a party to consent to proceed
10 before a United States Magistrate Judge, or request reassignment of
11 this case to a United States District Judge. Pursuant to Appendix
12 A(j) of the Local Rules, and as explained in the "Notice Re Consent
13 or Request for Reassignment" accompanying that form, all parties were
14 to execute the form and return it to the Clerk of the Court within
15 ninety days from the date the action was filed. The Local Rules, and
16 the separate "Notice in All Actions Filed in the District Court,"
17 also required plaintiff to serve a copy of these documents on all
18 parties to the action and file a proof of service with the court.
19 See L.R., App. A(j). The required time has now expired and plaintiff
20 has not returned the necessary form to the court. Plaintiff is
21 hereby ordered to return the necessary form within ten (10) days.

22 /////

23 /////

24 /////

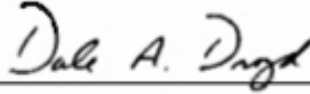
25 /////

26 /////

1 Failure to timely comply with this order with result in a
2 recommendation that this action be dismissed without further warning.

3 IT IS SO ORDERED.

4 DATED: August 26, 2005.

5 

6 DALE A. DROZD

7 UNITED STATES MAGISTRATE JUDGE

8 DAD:lg
9 ddad1/orders.socsec/whittenburg0733.ord.service
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26